

Co. 9. 63. b.

Night-walkers, being strangers or suspected persons, Watchmen may arrest them, and may stay them till the morning, &c. See hereof *tit. Watch antea*. Yea, every man may arrest such Night-walkers, for it is for the good of the Kingdom. 4 H. 7. 18. Br. Fx. Impr. 15. See the Statute of Winch. 13 E. 1. & 4 H. 7. f. 2. & 5 H. 7. f. 5. a.

But in all these cases before, where a private man shall arrest another, he ought thereupon to commit the Prisoner to the Gaol, or to carry and deliver him to the Constable, or to some other Officer, &c. See 20 E. 4. 6. Finch 127.

The Sheriff, Bailiff, Constables and other the Kings Officers may arrest *officer* and imprison Offenders in all cases where a private person may, and without any Writ or Warrant.

Where a Constable may arrest one, &c. See hereof *antea, tit. Conservators of the Peace, Affray, Forcible Entry, and Examination*.

A Constable being informed of a lewd Man and Woman that are together in Incontinency, may take with him so many of his Neighbours as he will to arrest the said Man and Woman, to find Sureties for their Good Behaviour. 1 H. 7. 7. 13 H. 7. 10.

If any Man makes an Assault upon the Constable, he may justifie to arrest him that makes the Assault, and to carry him to the Gaol for the breach of the Peace, although the Constable be the party upon whom the Assault was made, 5 H. 7. 6. Br. Fx. Im. 41.

The Justice of Peace may arrest and imprison Offenders in all cases where a private Man may. See *hic antea*.

The Justice of Peace (upon his own motion and discretion, or upon complaint) may also grant out his Warrant for the arresting (or conveying before him) of all such persons as shall break, or go about to break the Peace, or as he shall suspect to be inclined to break the Peace, and may commit them to prison, if they shall refuse to find, or cannot find Sureties for to keep the Peace.

The Justice of Peace (in divers cases) may in like sort grant out his Warrant for the Good Behaviour against Offenders, (as you may see before) and may commit them to prison for not finding Sureties accordingly.

And these things the Justice of Peace may do by force of the Commission, and of the Statutes 18 E. 3. c. 2. & 34 E. 3. c. 1.

If one cometh before the Justice of Peace upon his Warrant for the Peace, Good Behaviour, or for a Riot, or the like, the Justice needeth not to demand Sureties of him, but may commit him if he do not offer it. Br. Peace 7.

Also the Justices of Peace upon their own view, &c. of the Offence, may imprison the Offender against divers penal Laws; as namely such as keep common Ale-houses without Licence, Offenders for unlawful Games, Rioters, such as shall make any Forcible Entries or Holdings of Possessions, &c. See for these before under their particular Titles. §. 18.

There be divers other Offences which by the Statute are committed to the Justices of Peace (out of their Sessions) to hear and determine, and of which the Offenders shall be convicted, sometimes upon their own Confession before the Justices, and sometimes upon examination and proof of witnesses; in all which cases the said Justices of Peace may convene the said Offenders before them (by their Process or Warrant,) and after such examination and conviction, they may imprison or otherwise punish the Offenders, according as they are limited by the said Statutes. See before.

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